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July 8, 1997

Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

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JUL 15 1997  
FCC MAIL ROOM

Dear Secretary,

Enclosed is an original and four copies of a Petition for Rule Making to amend the FM table of allotments for a new FM broadcast station for Indian Wells, California.

Sincerely,



Victor A. Michael Jr.  
President  
Windy Valley Broadcasting

c/o Magic City Media  
1912 Capitol Avenue, Suite 300  
Cheyenne, Wyoming 82001

307-632-4400

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ORIGINAL

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

RECEIVED  
JUL 15 1997  
FCC RULE MAKING

In the matter of: )  
 )  
Amendment of Section 73.202 (b) )  
 ) RM-\_\_\_\_\_  
Table of Allotments )  
 )  
FM Broadcast Stations )  
 )  
(Indian Wells, California)

**PETITION FOR RULE MAKING**

In this petition, Windy Valley Broadcasting is hereby requesting to allot channel 240A (95.9 Mhz) to Indian Wells, California as its first local FM allotment.

**INTRODUCTION**

1. This statement is a petition for rule making to allot FM channel 240A (95.9 Mhz) to Indian Wells and add it to the Commission's FM table of allotments, 73.202. The following will show the need for an FM channel and the effects the allotment of Channel 240A to Indian Wells will have.

**DISCUSSION**

2. Indian Wells is located in Southern California. It is also located within Riverside County, a county of some 1,170,413 persons. Indian Wells has a population of 2,647 persons in accordance with the U.S. 1990 census.

3. The allotment of channel 240A to Indian Wells will provide the first local broadcast facility to the community and/or the surrounding area. The closest FM allotment to Indian Wells is located at Indio, California. Indio is located 5 kilometers from Indian Wells.

It is obvious that from the above spacing that Indian Wells is presently without local FM service.

4. Indian Wells would greatly benefit from an FM allotment due to the fact there is no AM or FM broadcast facilities within 5 Kilometers of Indian Wells. Because of this, it would have an outlet for local self expression. Health and safety for the community would be increased due to having a local communications outlet for warning the Indian Wells area of emergency conditions caused by severe weather or other health hazards.

5. Channel 240A can be allotted to Indian Wells and meet all rules and requirements of the Commission. The instant proposal will not cause a change in the channel number or a deletion of any channel now appearing in the Commission's table of allotments 73.202.

	<u>Present</u>	<u>Proposed</u>
Indian Wells, California	-----	240A

6. In accordance with 73.207 of the Commission's rules, "Minimum Distance Separations between Stations", all allotments on Channel 240A and the pertinent adjacent channels to 240A have been studied with the results listed in Figure 1 of this petition. The geographic coordinates used for the spacing

Study ( N 33 - 48' - 09", W. 116 - 10' - 28") are that of a site located 15 kilometers northeast of the community of Indian Wells, California. A site restriction of 15 kilometers northeast will be required to allot channel 240A to Indian Wells. Many suitable transmitter sites are available to provide city grade coverage (3.16 mv/m or 70 dbu) to the entire community of Indian Wells. These sites would also provide full minimum spacing requirements to other allotments.

### CONCLUSION

7. It has been shown that Indian Wells would benefit from the allotment of channel 240A. It has also been shown that channel 240A can be allotted to Indian Wells and meet all rules regarding spacing from other stations. Considering these two facts, Windy Valley Broadcasting hereby requests that the Federal Communications Commission institute a Rule Making proceeding to amend the Table of Allotments to include channel 240A for Indian Wells, California, 73.202.

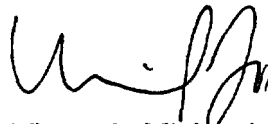
8. Should channel 240A be allotted to Indian Wells, California, I certify that I will file an application for a Construction Permit to operate an FM station for Indian Wells.

## CERTIFICATION

9. I certify that I have prepared or directly supervised the preparation of this entire Petition for Rule Making, and that the facts contained within are true to the best of my knowledge, information and belief, accurate and true.

Dated: July 8, 1997

Respectfully submitted,



Victor A. Michael Jr.  
President  
Windy Valley Broadcasting

c/o Magic City Media  
1912 Capitol Avenue, Suite 300  
Cheyenne, Wyoming 82001

(307) 632-4400

MAPFM search of channel 240A6 (95.9 MHz), at N. 33 48 9, W. 116 10 28.

Searching Channel 240A6 (95.9 MHz):

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
ALC	Tecate	BN	237	B		147.7	69.0	197.5°	78.7
ALC	Carlsbad	CA	239	B	U	137.1	113.0	223.0°	24.1
KMCG	Carlsbad	CA	239	B	L	146.2	113.0	223.1°	33.2
NEW-T	Indio	CA	239	D	A	4.6	0.0	269.6°	4.6
KBBC	Lake Havasu City	AZ	240	A	L	185.0	115.0	65.5°	70.0
ALC	Anaheim	CA	240	A	U	151.4	115.0	271.2°	36.4
ALC	Barstow	CA	240	B1	U	152.1	143.0	328.5°	9.1
KEZYFM	Anaheim	CA	240	A	L	151.4	115.0	271.2°	36.4
KXXZ	Barstow	CA	240	B1	L	152.1	143.0	328.5°	9.1
NEW-T	Palm Springs	CA	240	D	A	25.0	0.0	286.8°	25.0
ALC	Brawley	CA	241	B	U	106.8	113.0	145.5°	-6.2
ALC	San Jacinto	CA	241	A	U	75.9	72.0	270.1°	3.9
KSIQ	Brawley	CA	241	B	L	113.1	113.0	146.4°	0.1
KWRP	San Jacinto	CA	241	A	L	72.1	72.0	272.4°	0.1
ALC	Twentynine Palms	CA	242	A	U	39.1	31.0	356.9°	8.1
KDHI	Twentynine Palms	CA	242	A	L	39.1	31.0	356.9°	8.1
ALC	San Diego	CA	243	B	U	146.5	69.0	223.1°	77.5
KYXY	San Diego	CA	243	B	L	146.5	69.0	223.1°	77.5

FIGURE 1  
CHANNEL STUDY  
INDIAN WELLS, CALIFORNIA  
WINDY VALLEY BROADCASTING

CITY

DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

DEPARTMENT OF WATER RESOURCES

116°22'30"  
33°45'

559000m.E.

560

561

20'

562

563

2751 IV SE  
(MYOMA)

564

3734000m.N.

**FIGURE 1A**  
**MAP SHOWING**  
**INDIAN WELLS, CALIFORNIA**  
**WINDY VALLEY BROADCASTING****LA QUINTA QUADRANGLE**  
**CALIFORNIA—RIVERSIDE CO.**  
**7.5 MINUTE SERIES (TOPOGRAPHIC)**  
NE/4 PALM DESERT 15' QUADRANGLE3733  
170  
Trailer ParkPALM SPRINGS 14 MI.  
CATHEDRAL CITY 7.1 MI.74  
1113730  
42'30"Palm  
Desert

Indian Wells

SCALE 1:24 000

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 KILOMETER

CONTOUR INTERVAL 40 FEET

F. DORADO  
GOLF COURSE